

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DAVID S. FIELD, ET AL.,

Plaintiffs,

- against -

EXPONENTIAL WEALTH INC., ET AL.,

Defendants.

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21-cv-1990 (JGK)

ORDER

JOHN G. KOELTL, District Judge:

The Court has reviewed the Report and Recommendation of Magistrate Judge Cave dated June 30, 2025. ECF No. 275. The Report recommends that the Court dismiss this action without prejudice for failure to prosecute, after the parties apparently failed to comply with the Magistrate Judge's June 10 and June 23, 2025 Orders (the "June 2025 Orders") directing the parties to request a final pre-trial conference by June 25, 2025 (ECF Nos. 273, 274).

However, last week, the Magistrate Judge received a letter in the mail from the plaintiffs, a copy of which is attached to this Order. The letter requests a final pre-trial conference and has a typed date of June 24, 2025, although the envelope in which the letter was enclosed was undated and unstamped. It appears that the plaintiffs may have attempted to comply with the June 2025 Orders by sending the letter to the Pro Se Office to be docketed before June 25, 2025—the deadline set forth in

the Magistrate Judge's June 23, 2025 Order—but that the plaintiffs incorrectly typed the Pro Se Office's email when transmitting that letter, which delayed the Court's receipt of the plaintiffs' letter. Accordingly, because it appears that the plaintiffs attempted to comply with the June 2025 Orders, the Court will not adopt the Magistrate Judge's Report and Recommendation.

Rather, the parties are directed to appear, by phone, for the final pre-trial conference on **Monday, August 4, 2025**, at **11:30 a.m.**

Dial-in: (646) 453-4442, with access code 67527833#.

If the plaintiffs fail to appear, this case may be dismissed for failure to prosecute. If defendants Ryan Murnane and Krystalynne Murnane fail to appear, a default judgment may be entered against the defendants.

The Clerk is respectfully requested to send, by certified mail, a copy of this Order to the pro se plaintiffs and pro se defendants Ryan Murnane and Krystalynne Murnane at the addresses listed below:

David S. Field and Holly Field  
10565 Woodland Heights Rd.  
Dubuque, IA 52003

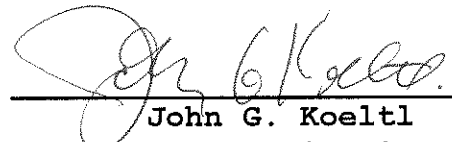
Ryan Murnane  
108 Canton Avenue Apt. B  
Staten Island, NY 10312

Krystalynne Murnane  
426 Ridgewood Avenue  
Staten Island, NY 10312

The Clerk is also directed to add the "pro se" flag to this case. A copy of this Order will also be emailed to the parties.

**SO ORDERED.**

**Dated:** New York, New York  
July 29, 2025

  
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John G. Koeltl  
United States District Judge

06/24/25

Honorable Sarah L. Cave  
United States District Court  
Southern District of New York  
New York, New York 10007

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David S. Field  
[ProSe@NYSD.uscourts.gov](mailto:ProSe@NYSD.uscourts.gov)  
[dfield@westsideorthopaedics.com](mailto:dfield@westsideorthopaedics.com)  
563-599-3800

Regarding:  
1:21-CV-01990-JGK-SLC  
Field vs. Exponential Wealth

Dear Judge Cave,

Final Pre-Trial Conference

We recently received an email on 6/23/25 concerning a Final Pre Trial Conference.

We would like to proceed with this conference at the Courts convenience.

Thank you for your consideration.

  
Sincerely,

David S. Field, MD

David S. Field  
10565 Woodland Heights Rd.  
Dubuque, IA 52003

Honorable Sarah L. Cave  
United States District Court  
Southern District of New York  
New York, New York 10007